

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

White Eagle Cooperative Association, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:05-CV-0620-AS
)	
Mike Johanns, Secretary of Agriculture,)	
United States Department of Agriculture,)	
)	
Defendants.)	

MEMORANDUM, ORDER AND OPINION

The Motion to Dismiss, or, in the alternative, for Summary Judgment filed by the Secretary of Agriculture (Docket No. 64) is **DENIED** as moot in light of the Amended Complaint (Docket No. 91) filed by the Plaintiffs on May 16, 2006.

SO ORDERED.

Date: September 28, 2006

S/ ALLEN SHARP

ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT